

REMARKS

Applicant thanks the Examiner for pointing out that claims 6 and 7 “would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.” See Final Office Action, page 5.

I. Status of Claims

Claims 1 and 7-26 are pending in this application.

In the present Amendment, claims 2-6 have been canceled without prejudice or disclaimer. Claims 1, 7-11, 19, 22, and 24 have been amended. Specifically, independent claims 1, 19, 22, and 24 have been amended by incorporating the limitations set forth in the original claims 6 and 7. Support for the amendments can be found in the originally filed specification. For example, support for the amendments in claim 7 can be found in the originally filed specification, paragraphs [041], [042], and [044], and Example 2 formulations. Applicant has not introduced any new matter by the amendments, nor are any estoppels intended thereby.

II. § 102 and § 103 Rejections

The Examiner maintains the rejection of claims 1-5, 12, 13, 15, 16, and 19-26 under 35 U.S.C. § 102(a) and (b)¹ as being anticipated by “British Nursing news Online-

¹ Applicant respectfully submits that the Examiner has apparently made a mistake in including the rejection under § 102(b), because the Examiner clearly indicated that “any such on-sale activity does not constitute prior art under 35 U.S.C. 102(b) (Final Office Action, page 5) and the Examiner has not pointed to any prior art in support of the section 102(b) rejection.

News Archives” as evidenced by “Skin Care Products Recommended by Dermatologists - DDF - Wrinkle Relax” and “DDF Wrinkle Relax/Faux-Tox - Cosmetic Surgery news.” Final Office Action, page 2. The Examiner also maintains the rejection of claims 8-11 and 14 under 35 U.S.C. § 103(a) as being obvious over “British Nursing news Online-News Archives” as evidenced by “Skin Care Products Recommended by Dermatologists - DDF - Wrinkle Relax” and “DDF Wrinkle Relax/Faux-Tox - Cosmetic Surgery news.” *Id.* at page 3. The Examiner further maintains the rejection of claims 17 and 18 under 35 U.S.C. § 103(a) as being obvious over “British Nursing news Online-News Archives” as evidenced by “Skin Care Products Recommended by Dermatologists - DDF - Wrinkle Relax” and “DDF Wrinkle Relax/Faux-Tox - Cosmetic Surgery news,” and further in view of Simon et al. (U.S. Patent No. 5,730,972). *Id.* at pages 3-4. Applicant respectfully disagrees with the Examiner regarding these rejections.

However, solely for purpose of advancing the prosecution of this application, Applicant has amended independent claims 1, 19, 22, and 24 by incorporating the limitations set forth in the original claims 6 and 7. As the Examiner has indicated that the original claims 6 and 7 would be allowable if rewritten in independent form, these rejections are moot in view of the current amendments. Therefore, Applicant respectfully requests these rejections be withdrawn.

III. Objection

The Examiner objects to claims 6 and 7 “as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.” Final Office Action, page 5.

Applicant has amended independent claims 1, 19, 22, and 24 by incorporating the limitations set forth in the original claims 6 and 7. Original claim 6 has been canceled. Original claim 7 has been amended. Therefore, this objection is moot in view of the current amendments. Applicant respectfully request this objection be withdrawn.

IV. Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully submit that the pending claims 1 and 7-26 are in condition for allowance. Applicant thus respectfully requests reconsideration of this application and the timely allowance of the pending claims.

If there is any fee due in connection with the filing of this response, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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